

AMENDED IN ASSEMBLY JULY 28, 2003

AMENDED IN ASSEMBLY JUNE 23, 2003

SENATE BILL

No. 1077

**Introduced by Committee on Business and Professions (Senators
Figueroa (Chair), Aanestad, Brulte, and Machado)**

March 28, 2003

An act to amend Sections 27, 2027, 2060, 2135.5, 2190.5, 2285, 2386, 2415, 2441, 2442, 2570.4, 4980.43, 4980.44, 4980.57, 4982, 4982.2, 4984.8, 4996.18, 4996.21, 4996.22, and 4996.23 of, to amend and repeal Section 4997 of, *to amend, repeal, and add Section 2439 of*, and to repeal Section 2106 of, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1077, as amended, Committee on Business and Professions. Health care practitioners.

(1) Existing law regulates specified businesses and professions by various entities in the Department of Consumer Affairs and requires these entities to provide information on the Internet about their licensees.

This bill would delete obsolete provisions.

(2) Existing law exempts physicians and surgeons licensed and located outside this state from the Medical Practice Act under certain conditions.

This bill would extend this exemption to doctors of podiatric medicine that are licensed and located outside this state.

(3) Existing law requires the Medical Board of California to make various reports to the Legislature.

This bill would repeal an obsolete reporting requirement.

(4) Existing law requires the Bureau of Medical Statistics within the Medical Board of California to conduct research deemed necessary by the board.

This bill would correct an erroneous cross-reference in these provisions.

(5) *Existing law provides that it is unprofessional conduct for a licensed physician and surgeon alone, or in conjunction with specified business organizations, to use a fictitious, false, or assumed name without a fictitious-name permit. Existing law exempts certain licensed physician and surgeons and medical schools from these provisions. Existing law requires the Medical Board of California or the Division of Licensing to issue a fictitious-name permit if the applicant for the permit satisfies certain conditions, including having a name that includes specified designations.*

This bill would exempt specified licensees and outpatient surgery clinics from the requirement of obtaining a fictitious name permit. The bill would delete the provisions requiring an applicant for a fictitious name permit to include specified designations.

(6) Existing law requires licensees of the Medical Board of California to pay certain licensing fees, which may be waived at the discretion of the board if a licensee demonstrates that he or she is unable to practice medicine due to a disability. A licensee who has been granted a waiver may not practice medicine unless he or she pays the current renewal fee and signs a statement under penalty of perjury that the disability either no longer exists or does not affect his or her ability to practice medicine safely.

This bill would alternatively authorize a licensee whose renewal fee has been waived to sign an agreement under penalty of perjury with the board in which the licensee agrees to limit his or her practice consistent with limitations imposed by his or her reviewing physician. Because the bill would change the definition of a crime, it would impose a state-mandated local program.

~~(6)~~

(7) Under existing law, the Medical Board of California establishes fees for the renewal of a physician and surgeon's license. Existing law provides for the waiver of the fee for a physician and surgeon who certifies that the license renewal is for the sole purpose of providing voluntary, unpaid service to specified agencies, institutions, and corporations.



This bill would delete the limitation on what agencies, institutions, or corporations a physician and surgeon may provide that unpaid service.

(7)

(8) Existing law authorizes licensed marriage and family therapists and licensed clinical social workers to apply to have their licenses placed on inactive status. Existing law exempts marriage and family therapists and clinical social workers with inactive licenses from certain continuing education requirements. Existing law specifies the training and experience required by an applicant, trainee, intern, or associate for a marriage and family therapy license or a clinical social worker's license. Existing law requires licensees to obtain a specified number of supervised hours and authorizes these hours to be obtained by training with a governmental entity, a school, college, university, or a private practice.

This bill would require these therapists and social workers to complete certain continuing education in order to reactivate their licenses. The bill would require licensed therapists and social workers to complete a ~~7-hour~~ continuing education course on spousal or partner abuse for license renewal *and on and after January 1, 2005, the course would be required to consist of not less than 7 hours of training*. The bill would require that the training hours required by therapists and social workers be obtained in settings that, among other things, provide clinical social work, mental health counseling and psychotherapy. The bill would additionally require that at least half of the training required for a licensed clinical social worker be supervised by a licensee. The bill would delete an obsolete reporting requirement.

(8)

(9) Existing law authorizes an unlicensed marriage and family therapist applicant to obtain intern registration status and practice as a marriage and family therapist, subject to specified conditions and requirements.

Existing law requires an applicant with intern registration status to fulfill all hours of experience required in his or her intern registration period, and prohibits using hours of experience obtained under a prior intern registration period to fulfill his or her hours of experience.

The bill would delete the requirement that the applicant fulfill all hours of experience in his or her intern registration period. The bill would also delete the prohibition against using hours of experience



obtained under a prior intern registration period to fulfil his or her hours of experience.

(9)

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 27 of the Business and Professions Code
2 is amended to read:

3 27. (a) Every entity specified in subdivision (b), on or after
4 July 1, 2001, shall provide on the Internet information regarding
5 the status of every license issued by that entity in accordance with
6 the California Public Records Act (Chapter 3.5 (commencing with
7 Section 6250) of Division 7 of Title 1 of the Government Code)
8 and the Information Practices Act of 1977 (Chapter 1
9 (commencing with Section 1798) of Title 1.8 of Part 4 of Division
10 3 of the Civil Code). The public information to be provided on the
11 Internet shall include information on suspensions and revocations
12 of licenses issued by the entity and other related enforcement
13 action taken by the entity relative to persons, businesses, or
14 facilities subject to licensure or regulation by the entity. In
15 providing information on the Internet, each entity shall comply
16 with the Department of Consumer Affairs Guidelines for Access
17 to Public Records. The information shall not include personal
18 information, including home telephone number, date of birth, or
19 social security number. Each entity shall disclose a licensee's
20 address of record. However, each entity shall allow a licensee to
21 provide a post office box number or other alternate address, instead
22 of his or her home address, as the address of record. This section
23 shall not preclude an entity from also requiring a licensee, who has
24 provided a post office box number or other alternative mailing
25 address as his or her address of record, to provide a physical
26 business address or residence address only for the entity's internal



1 administrative use and not for disclosure as the licensee's address
2 of record or disclosure on the Internet.

3 (b) Each of the following entities within the Department of
4 Consumer Affairs shall comply with the requirements of this
5 section:

6 (1) The Acupuncture Board shall disclose information on its
7 licensees.

8 (2) The Board of Behavioral Sciences shall disclose
9 information on its licensees, including marriage and family
10 therapists, licensed clinical social workers, and licensed
11 educational psychologists.

12 (3) The Dental Board of California shall disclose information
13 on its licensees.

14 (4) The State Board of Optometry shall disclose information
15 regarding certificates of registration to practice optometry,
16 statements of licensure, optometric corporation registrations,
17 branch office licenses, and fictitious name permits of their
18 licensees.

19 (5) The Board for Professional Engineers and Land Surveyors
20 shall disclose information on its registrants and licensees.

21 (6) The Structural Pest Control Board shall disclose
22 information on its licensees, including applicators, field
23 representatives, and operators in the areas of fumigation, general
24 pest and wood destroying pests and organisms, and wood roof
25 cleaning and treatment.

26 (7) The Bureau of Automotive Repair shall disclose
27 information on its licensees, including auto repair dealers, smog
28 stations, lamp and brake stations, smog check technicians, and
29 smog inspection certification stations.

30 (8) The Bureau of Electronic and Appliance Repair shall
31 disclose information on its licensees, including major appliance
32 repair dealers, combination dealers (electronic and appliance),
33 electronic repair dealers, service contract sellers, and service
34 contract administrators.

35 (9) The Cemetery Program shall disclose information on its
36 licensees, including cemetery brokers, cemetery salespersons,
37 crematories, and cremated remains disposers.

38 (10) The Funeral Directors and Embalmers Program shall
39 disclose information on its licensees, including embalmers,
40 funeral establishments, and funeral directors.

(11) The Contractors' State License Board shall disclose information on its licensees in accordance with Chapter 9 (commencing with Section 7000) of Division 3.

(12) The Board of Psychology shall disclose information on its licensees, including psychologists, psychological assistants, and registered psychologists.

(c) "Internet" for the purposes of this section has the meaning set forth in paragraph (6) of subdivision (e) of Section 17538.

SEC. 2. Section 2027 of the Business and Professions Code is amended to read:

2027. (a) On or after July 1, 2001, the board *or the Board of Podiatric Medicine* shall post on the Internet the following information in its possession, custody, or control regarding licensed physicians and surgeons and licensed doctors of podiatric medicine:

(1) With regard to the status of the license, whether or not the licensee is in good standing, subject to a temporary restraining order (TRO), subject to an interim suspension order (ISO), or subject to any of the enforcement actions set forth in Section 803.1.

(2) With regard to prior discipline, whether or not the licensee has been subject to discipline by the board *or the Board of Podiatric Medicine* of another state or jurisdiction, as described in Section 803.1.

(3) Any felony convictions reported to the board *or the Board of Podiatric Medicine* after January 3, 1991.

(4) All current accusations filed by the Attorney General, including those accusations that are on appeal. For purposes of this paragraph, "current accusation" shall mean an accusation that has not been dismissed, withdrawn, or settled, and has not been finally decided upon by an administrative law judge and the Medical Board of California *or the Board of Podiatric Medicine* unless an appeal of that decision is pending.

(5) Any malpractice judgment or arbitration award reported to the board *or the Board of Podiatric Medicine* after January 1, 1993.

(6) Any hospital disciplinary actions that resulted in the termination or revocation of a licensee's hospital staff privileges for a medical disciplinary cause or reason.

(7) Appropriate disclaimers and explanatory statements to accompany the above information, including an explanation of

1 what types of information are not disclosed. These disclaimers and
2 statements shall be developed by the board *or the Board of*
3 *Podiatric Medicine* and shall be adopted by regulation.

4 (8) Any information required to be disclosed pursuant to
5 Section 803.1.

6 (b) (1) From January 1, 2003, the information described in
7 paragraphs (1) (other than whether or not the licensee is in good
8 standing), (2), (4), (5), and (7) of subdivision (a) shall remain
9 posted for a period of 10 years from the date the board *or the Board*
10 *of Podiatric Medicine* obtains possession, custody, or control of
11 the information, and after the end of that period shall be removed
12 from being posted on the board's *or the Board of Podiatric*
13 *Medicine's* Internet Web site. Information in the possession,
14 custody, or control of the board *or the Board of Podiatric Medicine*
15 prior to January 1, 2003, shall be posted for a period of 10 years
16 from January 1, 2003. Settlement information shall be posted as
17 described in paragraph (2) of subdivision (b) of Section 803.1.

18 (2) The information described in paragraphs (3) and (6) of
19 subdivision (a) shall not be removed from being posted on the
20 board's *or the Board of Podiatric Medicine's* Internet Web site.
21 Notwithstanding the provisions of this paragraph, if a licensee's
22 hospital staff privileges are restored and the licensee notifies the
23 board *or the Board of Podiatric Medicine* of the restoration, the
24 information pertaining to the termination or revocation of those
25 privileges, as described in paragraph (6) of subdivision (a), shall
26 remain posted for a period of 10 years from the restoration date of
27 the privileges, and at the end of that period shall be removed from
28 being posted on the board's *or the Board of Podiatric Medicine's*
29 Internet Web site.

30 (c) The board *or the Board of Podiatric Medicine* shall provide
31 links to other Web sites on the Internet that provide information on
32 ~~board~~ *the boards'* certifications that meet the requirements of
33 subdivision (b) of Section 651. The board *or the Board of*
34 *Podiatric Medicine* may provide links to other Web sites on the
35 Internet that provide information on health care service plans,
36 health insurers, hospitals, or other facilities. The board *or the*
37 *Board of Podiatric Medicine* may also provide links to any other
38 sites that would provide information on the affiliations of licensed
39 physicians and surgeons and licensed doctors of podiatric
40 medicine.

1 SEC. 3. Section 2060 of the Business and Professions Code
2 is amended to read:

3 2060. Nothing in this chapter applies to any practitioner
4 located outside this state, when in actual consultation, whether
5 within this state or across state lines, with a licensed practitioner
6 of this state, or when an invited guest of the California Medical
7 Association or the California Podiatric Medical Association, or
8 one of their component county societies, or of an approved
9 medical or podiatric medical school or college for the sole purpose
10 of engaging in professional education through lectures, clinics, or
11 demonstrations, if he or she is, at the time of the consultation,
12 lecture, or demonstration a licensed physician and surgeon or a
13 licensed doctor of podiatric medicine in the state or country in
14 which he or she resides. This practitioner shall not open an office,
15 appoint a place to meet patients, receive calls from patients within
16 the limits of this state, give orders, or have ultimate authority over
17 the care or primary diagnosis of a patient who is located within this
18 state.

19 SEC. 4. Section 2106 of the Business and Professions Code
20 is repealed.

21 SEC. 5. Section 2135.5 of the Business and Professions Code
22 is amended to read:

23 2135.5. Upon review and recommendation, the Division of
24 Licensing may determine that an applicant for a physician and
25 surgeon's certificate has satisfied the medical curriculum
26 requirements of Section 2089, the clinical instruction
27 requirements of Sections 2089.5 and 2089.7, and the examination
28 requirements of Section 2170 if the applicant meets all of the
29 following criteria:

30 (a) He or she holds an unlimited and unrestricted license as a
31 physician and surgeon in another state.

32 (b) He or she is certified by a specialty board that is a member
33 board of the American Board of Medical Specialties.

34 (c) He or she is not subject to denial of licensure under Section
35 480.

36 (d) He or she has not graduated from a school that has been
37 disapproved by the division.

38 SEC. 6. Section 2190.5 of the Business and Professions Code
39 is amended to read:

2190.5. (a) All physicians and surgeons shall complete a mandatory continuing education course in the subjects of pain management and the treatment of terminally ill and dying patients. For the purposes of this section, this course shall be a one-time requirement of 12 credit hours within the required minimum established by regulation, to be completed by December 31, 2006. All physicians and surgeons licensed on and after January 1, 2002, shall complete this requirement within four years of their initial license or by their second renewal date, whichever occurs first. The board may verify completion of this requirement on the renewal application form.

(b) By regulatory action, the board may exempt physicians and surgeons by practice status category from the requirement in subdivision (a) if the physician and surgeon does not engage in direct patient care, does not provide patient consultations, or does not reside in the State of California.

(c) This section shall not apply to physicians and surgeons practicing in pathology or radiology specialty areas.

SEC. 7. *Section 2285 of the Business and Professions Code is amended to read:*

2285. The use of any fictitious, false, or assumed name, or any name other than his or her own by a licensee either alone, in conjunction with a partnership or group, or as the name of a professional corporation, in any public communication, advertisement, sign, or announcement of his or her practice without a fictitious-name permit obtained pursuant to Section 2415 constitutes unprofessional conduct. This section shall not apply to ~~licensees~~ *the following:*

(a) *Licensees who are employed by a partnership, a group, or a professional corporation that holds a fictitious name permit.*

(b) *Licensees who contract with, are employed by, or are on the staff of, any clinic licensed by the State Department of Health Services under Chapter 1 (commencing with Section 1200) of Division 2 of the Health and Safety Code or any.*

(c) *An outpatient surgery setting granted a certificate of accreditation from an accreditation agency approved by the medical board.*

(d) *Any medical school approved by the division or a faculty practice plan connected with ~~such a~~ the medical school.*

1 SEC. 8. Section 2386 of the Business and Professions Code is
2 amended to read:

3 2386. The bureau shall be the repository for all reports filed
4 with the board pursuant to Article 11 (commencing with Section
5 800) of Chapter 2, and pursuant to Section 2220.

6 ~~SEC. 8.~~

7 SEC. 9. *Section 2415 of the Business and Professions Code is*
8 *amended to read:*

9 2415. (a) Any physician and surgeon or any doctor of
10 podiatric medicine, as the case may be, who as a sole proprietor,
11 or in a partnership, group, or professional corporation, desires to
12 practice under any name that would otherwise be a violation of
13 Section 2285 may practice under that name if the proprietor,
14 partnership, group, or corporation obtains and maintains in current
15 status a fictitious-name permit issued by the Division of Licensing,
16 or, in the case of doctors of podiatric medicine, the California
17 Board of Podiatric Medicine, under the provisions of this section.

18 (b) The division or the board shall issue a fictitious-name
19 permit authorizing the holder thereof to use the name specified in
20 the permit in connection with his, her, or its practice if the division
21 or the board finds to its satisfaction that:

22 (1) The applicant or applicants or shareholders of the
23 professional corporation hold valid and current licenses as
24 physicians and surgeons or doctors of podiatric medicine, as the
25 case may be.

26 (2) The professional practice of the applicant or applicants is
27 wholly owned and entirely controlled by the applicant or
28 applicants.

29 (3) The name under which the applicant or applicants propose
30 to practice is not deceptive, misleading, or confusing, ~~and contains~~
31 ~~one of the following designations: "medical group," "medical~~
32 ~~clinic," "medical corporation," "medical associates," "medical~~
33 ~~center," or "medical office." In the case of doctors of podiatric~~
34 ~~medicine, the same designations may be used substituting the~~
35 ~~words "podiatric medical," "podiatric surgical," "podiatry,"~~
36 ~~"podiatrists," "foot," "foot and ankle," "foot care," "foot~~
37 ~~health," or "foot specialist" for the word "medical."~~

38 (c) *Each permit shall be accompanied by a notice that shall be*
39 *displayed in a location readily visible to patients and staff. The*

1 *notice shall be displayed at each place of business identified in the*
2 *permit.*

3 (d) This section shall not apply to licensees who contract with,
4 are employed by, or are on the staff of, any clinic licensed by the
5 State Department of Health Services under Chapter 1
6 (commencing with Section 1200) of Division 2 of the Health and
7 Safety Code or any medical school approved by the division or a
8 faculty practice plan connected with such a medical school.

9 ~~(d)~~

10 (e) Fictitious-name permits issued under this section shall be
11 subject to Article 19 (commencing with Section 2420) pertaining
12 to renewal of licenses, except the division shall establish
13 procedures for the renewal of fictitious-name permits every two
14 years on an anniversary basis. For the purpose of the conversion
15 of existing permits to this schedule the division may fix prorated
16 renewal fees.

17 ~~(e)~~

18 (f) The division or the board may revoke or suspend any permit
19 issued if it finds that the holder or holders of the permit are not in
20 compliance with the provisions of this section or any regulations
21 adopted pursuant to this section. A proceeding to revoke or
22 suspend a fictitious-name permit shall be conducted in accordance
23 with Section 2230.

24 ~~(f)~~

25 (g) A fictitious-name permit issued to any licensee in a sole
26 practice is automatically revoked in the event the licensee's
27 certificate to practice medicine or podiatric medicine is revoked.

28 ~~(g)~~

29 (h) The division or the board may delegate to the executive
30 director, or to another official of the board, its authority to review
31 and approve applications for fictitious-name permits and to issue
32 those permits.

33 ~~(h)~~

34 (i) The California Board of Podiatric Medicine shall administer
35 and enforce this section as to doctors of podiatric medicine *and*
36 *shall adopt and administer regulations specifying appropriate*
37 *podiatric medical name designations.*

38 SEC. 10. Section 2439 of the Business and Professions Code
39 is amended to read:

1 2439. (a) Every licensee is exempt from the payment of the
2 renewal fee provided ~~such~~ *the* licensee has practiced medicine or
3 podiatry for 20 years or more in this state, has reached the age of
4 retirement under the Social Security Act, and customarily
5 provides his or her services free of charge to any person,
6 organization, or agency. In the event that charges are made, such
7 charges shall be nominal and in no event shall the aggregate of such
8 charges in any single calendar year be in an amount which would
9 result in his or her income being such as to make the practitioner
10 ineligible for full social security benefits.

11 (b) *This section shall become inoperative on July 1, 2004, and*
12 *as of January 1, 2005, is repealed, unless a later enacted statute*
13 *that is enacted before January 1, 2005, deletes or extends the dates*
14 *on which it becomes inoperative and is repealed.*

15 SEC. 11. Section 2439 is added to the Business and
16 Professions Code, to read:

17 2439. (a) Every licensee is exempt from the payment of the
18 renewal fee and requirement for continuing medical education if
19 the licensee has applied to the Division of Licensing for a retired
20 license. The holder of a retired license may not engage in the
21 practice of medicine.

22 (b) *This section shall become operative on July 1, 2004.*

23 SEC. 12. Section 2441 of the Business and Professions Code
24 is amended to read:

25 2441. Any licensee who demonstrates to the satisfaction of
26 the board that he or she is unable to practice medicine due to a
27 disability may request a waiver of the license renewal fee. The
28 granting of a waiver shall be at the discretion of the board and may
29 be terminated at any time. Waivers shall be based on the inability
30 of a licensee to practice medicine. A licensee whose renewal fee
31 has been waived pursuant to this section shall not engage in the
32 practice of medicine unless and until the licensee pays the current
33 renewal fee and ~~establishes~~ *does either of the following:*

34 (a) *Establishes* to the satisfaction of the board, on a form
35 prescribed by the board and signed under penalty of perjury, that
36 the licensee's disability either no longer exists or does not affect
37 his or her ability to practice medicine safely. ~~Alternatively, a~~
38 ~~licensee whose renewal fee has been waived may, upon paying the~~
39 ~~current renewal fee, sign an agreement with the board under~~

1 (b) Signs an agreement on a form prescribed by the board,
2 signed under penalty of perjury, in which the licensee agrees to
3 limit his or her practice consistent with limitations imposed by his
4 or her in the manner prescribed by the reviewing physician.

5 ~~SEC. 9.~~

6 SEC. 13. Section 2442 of the Business and Professions Code
7 is amended to read:

8 2442. The renewal fee shall be waived for a physician and
9 surgeon who certifies to the Medical Board of California that
10 license renewal is for the sole purpose of providing voluntary,
11 unpaid service.

12 ~~SEC. 10.~~

13 SEC. 14. Section 2570.4 of the Business and Professions
14 Code is amended to read:

15 2570.4. Nothing in this chapter shall be construed as
16 preventing or restricting the practice, services, or activities of any
17 of the following persons:

18 (a) Any person licensed, certified, or otherwise recognized in
19 this state by any other law or regulation when that person is
20 engaged in the profession or occupation for which he or she is
21 licensed, certified, or otherwise recognized.

22 (b) Any person pursuing a supervised course of study leading
23 to a degree or certificate in occupational therapy at an accredited
24 educational program, if the person is designated by a title which
25 clearly indicates his or her status as a student or trainee.

26 (c) Any person fulfilling the supervised fieldwork experience
27 requirements of subdivision (c) of Section 2570.6, if the
28 experience constitutes a part of the experience necessary to meet
29 the requirement of that provision.

30 (d) Any person performing occupational therapy services in the
31 state, if those services are performed for no more than 45 days in
32 a calendar year in association with an occupational therapist
33 licensed under this chapter, and the person is licensed under the
34 laws of another state that the board determines has licensure
35 requirements at least as stringent as the requirements of this
36 chapter.

37 (e) Any person employed as an aide subject to the supervision
38 requirements of this section.

39 ~~SEC. 11.~~

1 *SEC. 15.* Section 4980.43 of the Business and Professions
2 Code is amended to read:

3 4980.43. (a) For all applicants, a minimum of two calendar
4 years of supervised experience is required, which experience shall
5 consist of 3,000 hours obtained over a period of not less than 104
6 weeks. Not less than 1,500 hours of experience shall be gained
7 subsequent to the granting of the qualifying master's or doctor's
8 degree. For those applicants who enroll in a qualifying degree
9 program on or after January 1, 1995, not more than 750 hours of
10 counseling and direct supervisor contact may be obtained prior to
11 the granting of the qualifying master's or doctor's degree.
12 However, this limitation shall not be interpreted to include
13 professional enrichment activities. Except for personal
14 psychotherapy hours gained after enrollment and commencement
15 of classes in a qualifying degree program, no hours of experience
16 may be gained prior to becoming a trainee. All experience shall be
17 gained within the six years immediately preceding the date the
18 application for licensure was filed, except that up to 500 hours of
19 clinical experience gained in the supervised practicum required by
20 subdivision (b) of Section 4980.40 shall be exempt from this
21 six-year requirement.

22 (b) All applicants, trainees, and registrants shall be at all times
23 under the supervision of a supervisor who shall be responsible for
24 ensuring that the extent, kind, and quality of counseling performed
25 is consistent with the training and experience of the person being
26 supervised, and who shall be responsible to the board for
27 compliance with all laws, rules, and regulations governing the
28 practice of marriage and family therapy. Experience shall be
29 gained by interns and trainees either as an employee or as a
30 volunteer in any allowable work setting specified in this chapter.
31 The requirements of this chapter regarding gaining hours of
32 experience and supervision are applicable equally to employees
33 and volunteers. Experience shall not be gained by interns or
34 trainees as an independent contractor.

35 (c) Supervision shall include at least one hour of direct
36 supervisor contact for each week of experience claimed. A trainee
37 shall receive an average of at least one hour of direct supervisor
38 contact for every five hours of client contact in each setting. A
39 person gaining postdegree experience shall receive an average of
40 at least one hour of direct supervisor contact for every 10 hours of

client contact in each setting in which experience is gained. For purposes of this section, “one hour of direct supervisor contact” means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group of not more than eight persons. The contact may be counted toward the experience requirement for licensure, up to the maximum permitted by subdivision (d). All experience gained by a trainee shall be monitored by the supervisor as specified by regulation. The 5-to-1 and 10-to-1 ratios specified in this subdivision shall be applicable to all hours gained on or after January 1, 1995.

(d) (1) The experience required by Section 4980.40 shall include supervised marriage and family therapy, and up to one-third of the hours may include direct supervisor contact and other professional enrichment activities.

(2) “Professional enrichment activities,” for the purposes of this section, may include group, marital or conjoint, family, or individual psychotherapy received by an applicant. This psychotherapy may include up to 100 hours taken subsequent to enrolling and commencing classes in a qualifying degree program, or as an intern, and each of those hours shall be triple counted toward the professional experience requirement. This psychotherapy shall be performed by a licensed marriage and family therapist, licensed clinical social worker, licensed psychologist, licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology, or a licensed physician who has completed a residency in psychiatry.

(e) (1) A trainee may gain the experience required by subdivision (f) of Section 4980.40 in any setting that meets all of the following:

(A) Lawfully and regularly provides mental health counseling or psychotherapy.

(B) Provides oversight to ensure that the trainee’s work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4980.02.

(C) Is not a private practice owned by a licensed marriage and family therapist, a licensed psychologist, a licensed clinical social worker, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.

1 (2) Experience may be gained by the trainee solely as part of the
2 position for which the trainee volunteers or is employed.

3 (f) (1) An intern may gain the experience required by
4 subdivision (f) of Section 4980.40 in any setting that meets both
5 of the following:

6 (A) Lawfully and regularly provides mental health counseling
7 or psychotherapy.

8 (B) Provides oversight to ensure that the intern's work at the
9 setting meets the experience and supervision requirements set
10 forth in this chapter and is within the scope of practice for the
11 profession as defined in Section 4980.02.

12 (2) An applicant shall not be employed or volunteer in a private
13 practice, as defined in subparagraph (C) of paragraph (1) of
14 subdivision (e), until registered as an intern.

15 (3) While an intern may be either a paid employee or a
16 volunteer, employers are encouraged to provide fair remuneration
17 to interns.

18 (4) An intern who is employed or volunteering in private
19 practice shall be under the direct supervision of a licensee
20 enumerated in subdivision (f) of Section 4980.40 who shall be
21 employed by and practice at the same site as the intern's employer.

22 (5) Experience may be gained by the intern solely as part of the
23 position for which the intern volunteers or is employed.

24 (g) All persons shall register with the board as an intern in order
25 to be credited for postdegree hours of experience gained toward
26 licensure, regardless of the setting where those hours are to be
27 gained. Except as provided in subdivision (h), all postdegree hours
28 shall be gained as a registered intern.

29 (h) Except when employed in a private practice setting, all
30 postdegree hours of experience shall be credited toward licensure
31 so long as the applicant applies for the intern registration within 90
32 days of the granting of the qualifying master's or doctor's degree
33 and is thereafter granted the intern registration by the board.

34 (i) Trainees, interns, and applicants shall not receive any
35 remuneration from patients or clients, and shall only be paid by
36 their ~~employer~~ employers.

37 (j) Trainees, interns, and applicants shall only perform services
38 at the place where their ~~employer regularly conducts~~ employers
39 *regularly conduct* business, which may include performing
40 services at other locations, so long as the services are performed

under the direction and control of their employer and supervisor, and in compliance with the laws and regulations pertaining to supervision. Trainees and interns shall have no proprietary interest in the employer's business.

(k) Trainees, interns, or applicants who provide volunteered services or other services, and who receive no more than a total, from all work settings, of five hundred dollars (\$500) per month as reimbursement for expenses actually incurred by those trainees, interns, or applicants for services rendered in any lawful work setting other than a private practice shall be considered an employee and not an independent contractor. The board may audit applicants who receive reimbursement for expenses, and the applicants shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

(l) Each educational institution preparing applicants for licensure pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her interns and trainees regarding the advisability of undertaking individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, the educational institution and supervisors are encouraged to assist the applicant in locating that counseling or psychotherapy at a reasonable cost.

~~SEC. 12.~~

SEC. 16. Section 4980.44 of the Business and Professions Code is amended to read:

4980.44. (a) An unlicensed marriage and family therapist intern employed under this chapter shall:

(1) Have earned at least a master's degree as specified in Section 4980.40.

(2) Be registered with the board prior to the intern performing any duties, except as otherwise provided in subdivision (e) of Section 4980.43.

(3) File for renewal of registration annually for a maximum of five years after initial registration with the board. Renewal of registration shall include filing an application for renewal, paying

1 a renewal fee of seventy-five dollars (\$75), and notifying the board
2 whether he or she has been convicted, as defined in Section 490,
3 of a misdemeanor or felony, or whether any disciplinary action has
4 been taken by any regulatory or licensing board in this or any other
5 state, subsequent to *the issuance of the initial registration or the*
6 registrant's last renewal.

7 (4) Inform each client or patient prior to performing any
8 professional services that he or she is unlicensed and under the
9 supervision of a licensed marriage and family therapist, licensed
10 clinical social worker, licensed psychologist, licensed physician
11 certified in psychiatry by the American Board of Psychiatry and
12 Neurology, or a licensed physician who has completed a residency
13 in psychiatry and who is described in subdivision (f) of Section
14 4980.40, whichever is applicable. Continued employment as an
15 unlicensed marriage and family therapist intern shall cease after
16 six years unless the requirements of subdivision (b) are met. No
17 registration shall be renewed or reinstated beyond the six years
18 from initial issuance regardless of whether it has been revoked.

19 (b) When no further renewals are possible, either because the
20 applicant has exhausted the number of renewals available or
21 because of the repeal of Section 4980.44, as amended by Chapter
22 1114 of the Statutes of 1991, an applicant may apply for and obtain
23 new intern registration status if the applicant meets the educational
24 requirements for registration in effect at the time of the application
25 for a new intern registration. An applicant who is issued a
26 subsequent intern registration pursuant to this subdivision may be
27 employed or volunteer in all allowable work settings except in
28 private practice.

29 ~~SEC. 13.~~

30 *SEC. 17.* Section 4980.57 of the Business and Professions
31 Code is amended to read:

32 4980.57. (a) The board shall require a licensee who began
33 graduate study prior to January 1, 2004, to take a ~~seven-hour~~
34 continuing education course during his or her first renewal period
35 after the operative date of this section in spousal or partner abuse
36 assessment, detection, and intervention strategies, including
37 community resources, cultural factors, and same gender abuse
38 dynamics. *On and after January 1, 2005, the course shall consist*
39 *of not less than seven hours of training.* Equivalent courses in
40 spousal or partner abuse assessment, detection, and intervention

strategies taken prior to the operative date of this section or proof of equivalent teaching or practice experience may be submitted to the board and at its discretion, may be accepted in satisfaction of this requirement.

(b) Continuing education courses taken pursuant to this section shall be applied to the 36 hours of approved continuing education required under paragraph (1) of subdivision (c) of Section 4980.54.

(c) This section shall become operative on January 1, 2004.

~~SEC. 14.~~

SEC. 18. Section 4982 of the Business and Professions Code is amended to read:

4982. The board may refuse to issue any registration or license, or may suspend or revoke the license or registration of any registrant or licensee if the applicant, licensee, or registrant has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not be limited to:

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter shall be deemed to be a conviction within the meaning of this section. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

(b) Securing a license or registration by fraud, deceit, or misrepresentation on any application for licensure or registration

1 submitted to the board, whether engaged in by an applicant for a
2 license or registration, or by a licensee in support of any
3 application for licensure or registration.

4 (c) Administering to himself or herself any controlled
5 substance or using of any of the dangerous drugs specified in
6 Section 4022, or of any alcoholic beverage to the extent, or in a
7 manner, as to be dangerous or injurious to the person applying for
8 a registration or license or holding a registration or license under
9 this chapter, or to any other person, or to the public, or, to the extent
10 that the use impairs the ability of the person applying for or holding
11 a registration or license to conduct with safety to the public the
12 practice authorized by the registration or license, or the conviction
13 of more than one misdemeanor or any felony involving the use,
14 consumption, or self-administration of any of the substances
15 referred to in this subdivision, or any combination thereof. The
16 board shall deny an application for a registration or license or
17 revoke the license or registration of any person, other than one who
18 is licensed as a physician and surgeon, who uses or offers to use
19 drugs in the course of performing marriage and family therapy
20 services.

21 (d) Gross negligence or incompetence in the performance of
22 marriage and family therapy.

23 (e) Violating, attempting to violate, or conspiring to violate any
24 of the provisions of this chapter or any regulation adopted by the
25 board.

26 (f) Misrepresentation as to the type or status of a license or
27 registration held by the person, or otherwise misrepresenting or
28 permitting misrepresentation of his or her education, professional
29 qualifications, or professional affiliations to any person or entity.

30 (g) Impersonation of another by any licensee, registrant, or
31 applicant for a license or registration, or, in the case of a licensee,
32 allowing any other person to use his or her license or registration.

33 (h) Aiding or abetting, or employing, directly or indirectly, any
34 unlicensed or unregistered person to engage in conduct for which
35 a license or registration is required under this chapter.

36 (i) Intentionally or recklessly causing physical or emotional
37 harm to any client.

38 (j) The commission of any dishonest, corrupt, or fraudulent act
39 substantially related to the qualifications, functions, or duties of a
40 licensee or registrant.



1 (k) Engaging in sexual relations with a client, or a former client
2 within two years following termination of therapy, soliciting
3 sexual relations with a client, or committing an act of sexual abuse,
4 or sexual misconduct with a client, or committing an act
5 punishable as a sexually related crime, if that act or solicitation is
6 substantially related to the qualifications, functions, or duties of a
7 marriage and family therapist.

8 (l) Performing, or holding oneself out as being able to perform,
9 or offering to perform, or permitting any ~~registered~~ trainee or
10 registered intern under supervision to perform, any professional
11 services beyond the scope of the license authorized by this chapter.

12 (m) Failure to maintain confidentiality, except as otherwise
13 required or permitted by law, of all information that has been
14 received from a client in confidence during the course of treatment
15 and all information about the client which is obtained from tests
16 or other means.

17 (n) Prior to the commencement of treatment, failing to disclose
18 to the client or prospective client the fee to be charged for the
19 professional services, or the basis upon which that fee will be
20 computed.

21 (o) Paying, accepting, or soliciting any consideration,
22 compensation, or remuneration, whether monetary or otherwise,
23 for the referral of professional clients. All consideration,
24 compensation, or remuneration shall be in relation to professional
25 counseling services actually provided by the licensee. Nothing in
26 this subdivision shall prevent collaboration among two or more
27 licensees in a case or cases. However, no fee shall be charged for
28 that collaboration, except when disclosure of the fee has been
29 made in compliance with subdivision (n).

30 (p) Advertising in a manner that is false, misleading, or
31 deceptive.

32 (q) Reproduction or description in public, or in any publication
33 subject to general public distribution, of any psychological test or
34 other assessment device, the value of which depends in whole or
35 in part on the naivete of the subject, in ways that might invalidate
36 the test or device.

37 (r) Any conduct in the supervision of any registered intern or
38 ~~registered~~ trainee by any licensee that violates this chapter or any
39 rules or regulations adopted by the board.

(s) Performing or holding oneself out as being able to perform professional services beyond the scope of one's competence, as established by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.

(t) Permitting a ~~registered~~ trainee or registered intern under one's supervision or control to perform, or permitting the ~~registered~~ trainee or registered intern to hold himself or herself out as competent to perform, professional services beyond the registered trainee's or registered intern's level of education, training, or experience.

(u) The violation of any statute or regulation governing the gaining and supervision of experience required by this chapter.

(v) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.

SEC. 19. Section 4982.2 of the Business and Professions Code is amended to read:

4982.2. (a) A licensed marriage and family therapist, licensed clinical social worker, or educational psychologist whose license has been revoked or suspended or who has been placed on probation may petition the board for reinstatement or modification of penalty, including modification or termination of probation, after a period not less than the following minimum periods has elapsed from the effective date of the decision ordering the disciplinary action, or if the order of the board, or any portion of it, is stayed by the board itself, or by the superior court, from the date the disciplinary action is actually implemented in its entirety:

(1) At least three years for reinstatement of a license that was revoked for unprofessional conduct, except that the board may, in its sole discretion at the time of adoption, specify in its order that a petition for reinstatement may be filed after two years.

(2) At least two years for early termination of any probation period of three years, or more.

(3) At least one year for modification of a condition, or reinstatement of a license revoked for mental or physical illness, or termination of probation of less than three years.

(b) The petition may be heard by the board itself, or the board may assign the petition to an administrative law judge pursuant to Section 11512 of the Government Code. The board shall give

1 notice to the Attorney General of the filing of the petition. The
2 petitioner and the Attorney General shall be given timely notice by
3 letter of the time and place of the hearing on the petition, and an
4 opportunity to present both oral and documentary evidence and
5 argument to the board. The petitioner shall at all times have the
6 burden of production and proof to establish by clear and
7 convincing evidence that he or she is entitled to the relief sought
8 in the petition. The board, when it is hearing the petition itself, or
9 an administrative law judge sitting for the board, may consider all
10 activities of the petitioner since the disciplinary action was taken,
11 the offense for which the petitioner was disciplined, the
12 petitioner's activities during the time his or her license was in good
13 standing, and the petitioner's rehabilitative efforts, general
14 reputation for truth, and professional ability.

15 (c) The hearing may be continued from time to time as the
16 board or the administrative law judge deems appropriate.

17 (d) The board itself, or the administrative law judge if one is
18 designated by the board, shall hear the petition and shall prepare
19 a written decision setting forth the reasons supporting the decision.
20 In a decision granting a petition reinstating a license or modifying
21 a penalty, the board itself, or the administrative law judge may
22 impose any terms and conditions that the agency deems reasonably
23 appropriate, including those set forth in Sections 823 and 4982.15.
24 Where a petition is heard by an administrative law judge sitting
25 alone, the administrative law judge shall prepare a proposed
26 decision and submit it to the board.

27 (e) The board may take action with respect to the proposed
28 decision and petition as it deems appropriate.

29 (f) The petition shall be on a form provided by the board, and
30 shall state any facts and information as may be required by the
31 board including, but not limited to, proof of compliance with the
32 terms and conditions of the underlying disciplinary order.

33 (g) The petitioner shall pay a fingerprinting fee and provide a
34 current set of his or her fingerprints to the board. The petitioner
35 shall execute a form authorizing release to the board or its
36 designee, of all information concerning the petitioner's current
37 physical and mental condition. Information provided to the board
38 pursuant to the release shall be confidential and shall not be subject
39 to discovery or subpoena in any other proceeding, and shall not be

admissible in any action, other than before the board, to determine the petitioner's fitness to practice as required by Section 822.

(h) The petition shall be verified by the petitioner, who shall file an original and sufficient copies of the petition, together with any supporting documents, for the members of the board, the administrative law judge, and the Attorney General.

(i) The board may delegate to its executive officer authority to order investigation of the contents of the petition, but in no case, may the hearing on the petition be delayed more than 180 days from its filing without the consent of the petitioner.

(j) The petitioner may request that the board schedule the hearing on the petition for a board meeting at a specific city where the board regularly meets.

(k) No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole, or if the petitioner is required to register pursuant to Section 290 of the Penal Code. No petition shall be considered while there is an accusation or petition to revoke probation pending against the petitioner.

(l) Except in those cases where the petitioner has been disciplined for violation of Section 822, the board may in its discretion deny without hearing or argument any petition that is filed pursuant to this section within a period of two years from the effective date of a prior decision following a hearing under this section.

~~SEC. 15.~~

SEC. 20. Section 4984.8 of the Business and Professions Code is amended to read:

4984.8. A licensed marriage and family therapist may apply to the board to request that his or her license be placed on inactive status. A licensee who holds an inactive license shall pay a biennial fee of half of the active renewal fee and shall be exempt from continuing education requirements specified in Section 4980.54, but shall otherwise be subject to this chapter and shall not engage in the practice of marriage and family therapy in this state. A licensee on inactive status who has not committed any acts or crimes constituting grounds for denial of licensure may, upon his or her request, have his or her license to practice marriage and family therapy placed on active status. A licensee requesting his

or her license to be placed on active status at any time between a renewal cycle shall pay the remaining half of the renewal fee. A licensee requesting to reactivate from an inactive status whose license will expire less than one year from the date of the request shall be required to complete 18 hours of continuing education for license renewal. A licensee requesting to reactivate from an inactive status whose license will expire more than one year from the date of the request shall be required to complete 36 hours of continuing education for license renewal.

~~SEC. 16.~~

SEC. 21. Section 4996.18 of the Business and Professions Code is amended to read:

4996.18. (a) Any person who wishes to be credited with experience toward licensure requirements shall register with the board as an associate clinical social worker prior to obtaining that experience. The application shall be made on a form prescribed by the board and shall be accompanied by a fee of ninety dollars (\$90). An applicant for registration shall (1) possess a master's degree from an accredited school or department of social work, and (2) not have committed any crimes or acts constituting grounds for denial of licensure under Section 480. On and after January 1, 1993, an applicant who possesses a master's degree from a school or department of social work that is a candidate for accreditation by the Commission on Accreditation of the Council on Social Work Education shall be eligible, and shall be required, to register as an associate clinical social worker in order to gain experience toward licensure if the applicant has not committed any crimes or acts that constitute grounds for denial of licensure under Section 480. That applicant shall not, however, be eligible for examination until the school or department of social work has received accreditation by the Commission on Accreditation of the Council on Social Work Education.

(b) Registration as an associate clinical social worker shall expire one year from the last day of the month during which it was issued. A registration may be renewed annually after initial registration by filing on or before the date on which the registration expires, an application for renewal, paying a renewal fee of seventy-five dollars (\$75), and notifying the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, and whether any disciplinary action has

1 been taken by any regulatory or licensing board in this or any other
2 state, subsequent to the *issuance of the initial registration or*
3 registrant's last renewal. Each person who registers or has
4 registered as an associate clinical social worker, may retain that
5 status for a total of six years.

6 (c) Notwithstanding the limitations on the length of an
7 associate registration in subdivision (b), an associate may apply
8 for, and the board shall grant, one-year extensions beyond the
9 six-year period when no grounds exist for denial, suspension, or
10 revocation of the registration pursuant to Section 480. An
11 associate shall be eligible to receive a maximum of three one-year
12 extensions. An associate who practices pursuant to an extension
13 shall not practice independently and shall comply with all
14 requirements of this chapter governing experience, including
15 supervision, even if the associate has completed the hours of
16 experience required for licensure. Each extension shall commence
17 on the date when the last associate renewal or extension expires.
18 An application for extension shall be made on a form prescribed
19 by the board and shall be accompanied by a renewal fee of fifty
20 dollars (\$50). An associate who is granted this extension may work
21 in all work settings authorized pursuant to this chapter.

22 (d) A registrant shall not provide clinical social work services
23 to the public for a fee, monetary or otherwise, except as an
24 employee.

25 (e) A registrant shall inform each client or patient prior to
26 performing any professional services that he or she is unlicensed
27 and is under the supervision of a licensed professional.

28 (f) Any experience obtained under the supervision of a spouse
29 or relative by blood or marriage shall not be credited toward the
30 required hours of supervised experience. Any experience obtained
31 under the supervision of a supervisor with whom the applicant has
32 a personal relationship that undermines the authority or
33 effectiveness of the supervision shall not be credited toward the
34 required hours of supervised experience.

35 (g) An applicant who possesses a master's degree from an
36 approved school or department of social work shall be able to
37 apply experience the applicant obtained during the time the
38 approved school or department was in candidacy status by the
39 Commission on Accreditation of the Council on Social Work
40 Education toward the licensure requirements, if the experience



1 meets the requirements of Section 4996.20, 4996.21, or ~~4966.23~~
2 ~~4996.23~~. This subdivision shall apply retroactively to persons who
3 possess a master's degree from an approved school or department
4 of social work and who obtained experience during the time the
5 approved school or department was in candidacy status by the
6 Commission on Accreditation of the Council on Social Work
7 Education.

8 ~~SEC. 17.~~

9 *SEC. 22.* Section 4996.21 of the Business and Professions
10 Code is amended to read:

11 4996.21. The experience required by subdivision (c) of
12 Section 4996.2 shall meet the following criteria:

13 (a) On or after January 1, 1999, an associate shall have at least
14 3,200 hours of post-master's degree experience in providing
15 clinical social work services as permitted by Section 4996.9. At
16 least 1,700 of these hours shall be gained under the supervision of
17 a licensed clinical social worker. The remaining hours of the
18 required experience may be gained under the supervision of a
19 licensed mental health professional acceptable to the board as
20 defined in a regulation adopted by the board. Experience shall
21 consist of the following:

22 (1) A minimum of 2,000 hours in psychosocial diagnosis,
23 assessment, and treatment, including psychotherapy or
24 counseling.

25 (2) A maximum of 1,200 hours in client-centered advocacy,
26 consultation, evaluation, and research.

27 (3) Experience shall have been gained in not less than two nor
28 more than six years and shall have been gained within the six years
29 immediately preceding the date on which the application for
30 licensure was filed.

31 (b) Supervision means responsibility for and control of the
32 quality of clinical social work services being provided.

33 (c) Consultation or peer discussion shall not be considered to
34 be supervision.

35 (d) Supervision shall include at least one hour of direct
36 supervisor contact for ~~each week of experience claimed and shall~~
37 ~~include at least one hour of direct supervisor contact for every 10~~
38 ~~hours of client contact in each setting where experience is gained.~~
39 ~~Not less than 1,600 of the hours of required supervision shall be~~
40 ~~individual supervision and, of the 1,600 hours, a minimum of 400~~

1 ~~hours shall be supervised by a licensed clinical social worker. The~~
2 ~~remaining hours may be group supervision a minimum of 104~~
3 ~~weeks and shall include at least one hour of direct supervisor~~
4 ~~contact for every 10 hours of client contact in each setting where~~
5 ~~experience is gained. Of the 104 weeks of required supervision, 52~~
6 ~~weeks shall be individual supervision, and of the 52 weeks of~~
7 ~~required individual supervision, not less than 13 weeks shall be~~
8 ~~supervised by a licensed clinical social worker.~~ For purposes of
9 this section, “one hour of direct supervisor contact” means one
10 hour of face-to-face contact on an individual basis or two hours of
11 face-to-face contact in a group setting of not more than eight
12 persons.

13 (e) The supervisor and the associate shall develop a supervisory
14 plan that describes the goals and objectives of supervision. These
15 goals shall include the ongoing assessment of strengths and
16 limitations and the assurance of practice in accordance with the
17 laws and regulations. The associate shall submit to the board the
18 ~~initial supervisory plan within 30 days of commencement of~~
19 ~~supervision.~~ *initial original supervisory plan upon application for*
20 *licensure.*

21 (f) (1) Experience shall only be gained in a setting that meets
22 both of the following:

23 (A) Lawfully and regularly provides clinical social work,
24 mental health counseling, or psychotherapy.

25 (B) Provides oversight to ensure that the associate’s work at the
26 setting meets the experience and supervision requirements set
27 forth in this chapter and is within the scope of practice for the
28 profession as defined in Section 4996.9.

29 (2) Experience shall not be gained until the applicant has been
30 registered as an associate clinical social worker.

31 (3) Employment in a private practice as defined in paragraph
32 (4) shall not commence until the applicant has been registered as
33 an associate clinical social worker.

34 (4) A private practice setting is a setting that is owned by a
35 licensed clinical social worker, a licensed marriage and family
36 therapist, a licensed psychologist, a licensed physician and
37 surgeon, or a professional corporation of any of those licensed
38 professions.

1 (5) If volunteering, the associate shall provide the board with
2 a letter from his or her employer verifying his or her voluntary
3 status upon application for licensure.

4 (6) If employed, the associate shall provide the board with
5 copies of his or her W-2 tax forms for each year of experience
6 claimed upon application for licensure.

7 (g) While an associate may be either a paid employee or a
8 volunteer, employers are encouraged to provide fair remuneration
9 to associates.

10 (h) An associate shall not do the following:

11 (1) Receive any remuneration from patients or clients and shall
12 only be paid by his or her employer.

13 (2) Have any proprietary interest in the employer's business.

14 (i) An associate, whether employed or volunteering, may
15 obtain supervision from a person not employed by the associate's
16 employer if that person has signed a written agreement with the
17 employer to take supervisory responsibility for the associate's
18 social work services.

19 ~~SEC. 18.~~

20 *SEC. 23.* Section 4996.22 of the Business and Professions
21 Code, as added by Section 11 of Chapter 481 of the Statutes of
22 2002, is amended to read:

23 4996.22. (a) (1) Except as provided in subdivision (c), on
24 and after January 1, 2000, the board shall not renew any license
25 pursuant to this chapter unless the applicant certifies to the board,
26 on a form prescribed by the board, that he or she has completed not
27 less than 36 hours of approved continuing education in or relevant
28 to the field of social work in the preceding two years, as
29 determined by the board.

30 (2) For those persons renewing during 1999, the board shall not
31 renew any license pursuant to this chapter unless the applicant
32 certifies to the board, on a form prescribed by the board, that he or
33 she has completed not less than 18 hours of approved continuing
34 education in or relevant to the field of social work, as determined
35 by the board. The coursework of continuing education described
36 in this paragraph may be taken on or after the effective date of the
37 continuing education regulations adopted by the board pursuant to
38 the other provisions of this section.

39 (3) The board shall not renew any license of an applicant who
40 began graduate study prior to January 1, 2004, pursuant to this

1 chapter unless the applicant certifies to the board that during the
2 applicant's first renewal period after the operative date of this
3 section, he or she completed a ~~seven-hour~~ continuing education
4 course in spousal or partner abuse assessment, detection, and
5 intervention strategies, including community resources, cultural
6 factors, and same gender abuse dynamics. *On and after January*
7 *1, 2005, the course shall consist of not less than seven hours of*
8 *training.* Equivalent courses in spousal or partner abuse
9 assessment, detection, and intervention strategies taken prior to
10 the operative date of this section or proof of equivalent teaching
11 or practice experience may be submitted to the board and at its
12 discretion, may be accepted in satisfaction of this requirement.
13 Continuing education courses taken pursuant to this paragraph
14 shall be applied to the 36 hours of approved continuing education
15 required under paragraph (1).

16 (b) The board shall have the right to audit the records of any
17 applicant to verify the completion of the continuing education
18 requirement. Applicants shall maintain records of completion of
19 required continuing education coursework for a minimum of two
20 years and shall make these records available to the board for
21 auditing purposes upon request.

22 (c) The board may establish exceptions from the continuing
23 education requirement of this section for good cause as defined by
24 the board.

25 (d) The continuing education shall be obtained from one of the
26 following sources:

27 (1) An accredited school of social work, as defined in Section
28 4990.4, or a school or department of social work that is a candidate
29 for accreditation by the Commission on Accreditation of the
30 Council on Social Work Education. Nothing in this paragraph shall
31 be construed as requiring coursework to be offered as part of a
32 regular degree program.

33 (2) Other continuing education providers, including, but not
34 limited to, a professional social work association, a licensed health
35 facility, a governmental entity, a continuing education unit of an
36 accredited four-year institution of higher learning, and a mental
37 health professional association, approved by the board.

38 (3) The board shall establish, by regulation, a procedure for
39 approving providers of continuing education courses, and all
40 providers of continuing education, as described in paragraphs (1)

1 and (2), shall adhere to the procedures established by the board.
2 The board may revoke or deny the right of a provider to offer
3 continuing education coursework pursuant to this section for
4 failure to comply with the requirements of this section or any
5 regulation adopted pursuant to this section.

6 (e) Training, education, and coursework by approved
7 providers shall incorporate one or more of the following:

8 (1) Aspects of the discipline that are fundamental to the
9 understanding, or the practice, of social work.

10 (2) Aspects of the social work discipline in which significant
11 recent developments have occurred.

12 (3) Aspects of other related disciplines that enhance the
13 understanding, or the practice, of social work.

14 (f) A system of continuing education for licensed clinical social
15 workers shall include courses directly related to the diagnosis,
16 assessment, and treatment of the client population being served.

17 (g) The continuing education requirements of this section shall
18 comply fully with the guidelines for mandatory continuing
19 education established by the Department of Consumer Affairs
20 pursuant to Section 166.

21 (h) The board may adopt regulations as necessary to implement
22 this section.

23 (i) On and after January 1, 1997, the board shall, by regulation,
24 fund the administration of this section through continuing
25 education provider fees to be deposited in the Behavioral Science
26 Examiners Fund. The fees related to the administration of this
27 section shall be sufficient to meet but shall not exceed the costs of
28 administering the corresponding provisions of this section. For
29 purposes of this subdivision, a provider of continuing education as
30 described in paragraph (1) of subdivision (d), shall be deemed to
31 be an approved provider.

32 (j) This section shall become operative on January 1, 2004.

33 ~~SEC. 19.~~

34 *SEC. 24.* Section 4996.23 of the Business and Professions
35 Code is amended to read:

36 4996.23. The experience required by subdivision (c) of
37 Section 4996.2 shall meet the following criteria:

38 (a) All persons registered with the board on and after January
39 1, 2002, shall have at least 3,200 hours of post-master's degree
40 supervised experience providing clinical social work services as

1 permitted by Section 4996.9. At least 1,700 hours shall be gained
2 under the supervision of a licensed clinical social worker. The
3 remaining required supervised experience may be gained under
4 the supervision of a licensed mental health professional acceptable
5 to the board as defined by a regulation adopted by the board. This
6 experience shall consist of the following:

7 (1) A minimum of 2,000 hours in clinical psychosocial
8 diagnosis, assessment, and treatment, including psychotherapy or
9 counseling.

10 (2) A maximum of 1,200 hours in client-centered advocacy,
11 consultation, evaluation, and research.

12 (3) Of the 2,000 clinical hours required in paragraph (1), no less
13 than 750 hours shall be face-to-face individual or group
14 psychotherapy provided to clients in the context of clinical social
15 work services.

16 (4) A minimum of two years of supervised experience is
17 required to be obtained over a period of not less than 104 weeks
18 and shall have been gained within the six years immediately
19 preceding the date on which the application for licensure was filed.

20 (5) Experience shall not be credited for more than 40 hours in
21 any week.

22 (b) “Supervision” means responsibility for, and control of, the
23 quality of clinical social work services being provided.
24 Consultation or peer discussion shall not be considered to be
25 supervision.

26 (c) (1) Prior to the commencement of supervision, a
27 supervisor shall comply with all requirements enumerated in
28 Section 1870 of Title 16 of the California Code of Regulations and
29 shall sign under penalty of perjury the “Responsibility Statement
30 for Supervisors of an Associate Clinical Social Worker” form.

31 (2) Supervised experience shall include at least one hour of
32 direct supervisor contact for each week of experience claimed. In
33 addition, an associate shall receive an average of at least one hour
34 of direct supervisor contact for every week in which more than 10
35 hours of face-to-face psychotherapy is performed in each setting
36 in which experience is gained. No more than five hours of
37 supervision, whether individual or group, shall be credited during
38 any single week. Of the 3,200 hours of supervised experience
39 required in subdivision (a), 1,600 hours must be individual
40 supervision and a minimum of 400 of these hours shall be

~~supervised by a licensed clinical social worker. The remaining~~
~~hours may be group supervision~~ *a minimum of 104 weeks. In*
addition, an associate shall receive an average of at least one hour
of direct supervisor contact for every week in which more than 10
hours of face-to-face psychotherapy is performed in each setting
experience is gained. No more than five hours of supervision,
whether individual or group, shall be credited during any single
week. Of the 104 weeks of required supervision, 52 weeks shall be
individual supervision, and of the 52 weeks of required individual
supervision, not less than 13 weeks shall be supervised by a
licensed clinical social worker. For purposes of this section, “one
 hour of direct supervisor contact” means one hour of face-to-face
 contact on an individual basis or two hours of face-to-face contact
 in a group of not more than eight persons receiving supervision.

(d) The supervisor and the associate shall develop a
 supervisory plan that describes the goals and objectives of
 supervision. These goals shall include the ongoing assessment of
 strengths and limitations and the assurance of practice in
 accordance with the laws and regulations. The associate shall
 submit to the board the initial original supervisory plan upon
 application for licensure.

(e) Experience shall only be gained in a setting that meets both
 of the following:

(1) Lawfully and regularly provides clinical social work,
 mental health counseling, or psychotherapy.

(2) Provides oversight to ensure that the associate’s work at the
 setting meets the experience and supervision requirements set
 forth in this chapter and is within the scope of practice for the
 profession as defined in Section 4996.9.

(f) Experience shall not be gained until the applicant has been
 registered as an associate clinical social worker.

(g) Employment in a private practice as defined in subdivision

(h) shall not commence until the applicant has been registered as
 an associate clinical social worker.

(h) A private practice setting is a setting that is owned by a
 licensed clinical social worker, a licensed marriage and family
 therapist, a licensed psychologist, a licensed physician and
 surgeon, or a professional corporation of any of those licensed
 professions.

(i) If volunteering, the associate shall provide the board with a letter from his or her employer verifying his or her voluntary status upon application for licensure.

(j) If employed, the associate shall provide the board with copies of his or her W-2 tax forms for each year of experience claimed upon application for licensure.

(k) While an associate may be either a paid employee or volunteer, employers are encouraged to provide fair remuneration to associates.

(l) Associates shall not do the following:

(1) Receive any remuneration from patients or clients and shall only be paid by his or her employer.

(2) Have any proprietary interest in the employer's business.

(m) An associate, whether employed or volunteering, may obtain supervision from a person not employed by the associate's employer if that person has signed a written agreement with the employer to take supervisory responsibility for the associate's social work services.

(n) Notwithstanding any other provision of law, associates and applicants for examination shall receive a minimum of one hour of supervision per week for each setting in which he or she is working.

~~SEC. 20.~~

SEC. 25. Section 4997 of the Business and Professions Code, as added by Section 21 of Chapter 879 of the Statutes of 1998, is amended to read:

4997. A licensed clinical social worker may apply to the board to request that his or her license be placed on inactive status. A licensee who holds an inactive license shall pay a biennial fee ~~and~~ of half of the active renewal fee *and* shall be exempt from continuing education requirements specified in Section 4996.22, but shall otherwise be subject to this chapter and shall not engage in the practice of licensed clinical social work in this state. A licensee on inactive status who has not committed any acts or crimes constituting grounds for denial of licensure may, upon his or her request, have his or her license to practice licensed clinical social work placed on active status. A licensee requesting his or her license to be placed on active status between renewal cycles shall pay the remaining half of the renewal fee. A licensee requesting to reactivate from an inactive status whose license will expire less

1 than one year from the date of the request shall be required to
2 complete 18 hours of continuing education for license renewal. A
3 licensee requesting to reactivate from an inactive status whose
4 license will expire more than one year from the date of the request
5 shall be required to complete 36 hours of continuing education for
6 license renewal.

7 ~~SEC. 21.~~

8 *SEC. 26.* Section 4997 of the Business and Professions Code,
9 as added by Section 11 of Chapter 1234 of the Statutes of 1993, is
10 repealed.

11 ~~SEC. 22.~~

12 *SEC. 27.* No reimbursement is required by this act pursuant
13 to Section 6 of Article XIII B of the California Constitution
14 because the only costs that may be incurred by a local agency or
15 school district will be incurred because this act creates a new crime
16 or infraction, eliminates a crime or infraction, or changes the
17 penalty for a crime or infraction, within the meaning of Section
18 17556 of the Government Code, or changes the definition of a
19 crime within the meaning of Section 6 of Article XIII B of the
20 California Constitution.

